



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0457/P2

RCT:kjf:rs

In 10/22

vmr

DOA:.....Miner, BB0143 - Seed license program revisions

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**AGRICULTURE**

This bill makes several changes in the laws related to agricultural and vegetable seed.

Currently, the statutes include detailed requirements for the labeling of agricultural and vegetable seed, including information about the presence of noxious weed seeds in excess of stated amounts. The statutes prohibit the sale of seed with more than specified amounts of certain noxious weed seeds. The statutes list certain weeds as noxious weeds, but also authorize DATCP to add or remove types of weeds from the list of noxious weeds.

This bill repeals the statutory requirements for labeling agricultural and vegetable seed, the prohibitions on the sale of seed containing more than specified amounts of certain noxious weed seeds, and the list of noxious weeds. The bill requires DATCP to promulgate rules on the subjects of seed labeling, the amount of noxious weed seeds in agricultural and vegetable seed, and the designation of weeds as noxious weeds.

Current law requires persons who are required to label agricultural or vegetable seed (such as growers or distributors) to obtain a seed labeler's license from DATCP and specifies license fees that are based on gross sales of agricultural and vegetable seed. This bill lowers the fees for seed labeler's licenses for some persons with annual gross sales of less than \$100,000 and increases the fees for persons with higher annual gross sales. The bill also authorizes DATCP to change the fees by rule.

Current law prohibits the sale of certain seed unless the seed is certified by an official seed certifying agency. Under current law, the Wisconsin Crop Improvement Association, a nonprofit organization, is the official seed certifying agency for this state. Under this bill, the Wisconsin Crop Improvement Association is also the agency for certifying that mulch, hay, and straw is weed free.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 20.115 (7) (gm) of the statutes is amended to read:

2       20.115 (7) (gm) *Seed testing and labeling.* All moneys received from fees under  
3       ss. 94.43 (3) and (4) and 94.45 ~~(3)~~ (1) (c) for seed testing and labeling activities.

4       **SECTION 2.** 94.38 (3) of the statutes is repealed.

\*\*\*\*NOTE: The term "certified seed" is still used in s. 94.41 (1) (h) and (k). Is there any problem with the term not being defined?

5       **SECTION 3.** 94.38 (4) of the statutes is repealed.

6       **SECTION 4.** 94.38 (4m) of the statutes is repealed.

7       **SECTION 5.** 94.38 (5) of the statutes is repealed.

8       **SECTION 6.** 94.38 (8) of the statutes is amended to read:

9       94.38 (8) "Labeler" means any person who as grower, processor, jobber,  
10       distributor or seller labels seed or accepts responsibility for labeling information  
11       pertaining to any container or lot of agricultural seed or vegetable seed and whose  
12       name and address is are required by the department by rule to appear on the label  
13       under s. 94.39.

14       **SECTION 7.** 94.38 (9) of the statutes is repealed.

15       **SECTION 8.** 94.38 (12) of the statutes is repealed.

16       **SECTION 9.** 94.38 (13) of the statutes is repealed.

17       **SECTION 10.** 94.38 (15) of the statutes is repealed.

1 SECTION 11. 94.38 (19) of the statutes is repealed.

2 SECTION 12. 94.38 (20) of the statutes is repealed.

3 SECTION 13. 94.38 (22) of the statutes is repealed.

4 SECTION 14. 94.38 (23) of the statutes is repealed.

5 SECTION 15. 94.38 (24) of the statutes is repealed.

6 SECTION 16. 94.385 of the statutes is amended to read:

7 **94.385 Seed label ~~locations~~ requirements.** (1) ~~Each~~ No person may sell,  
8 distribute, or offer or expose for sale in this state a container of agricultural seed or  
9 vegetable seed which is sold, distributed or offered or exposed for sale within this  
10 state for seeding or sprouting purposes shall bear or have unless the container bears  
11 or has attached to it in a conspicuous place a label containing the information  
12 specified in s. 94.39 required by the department by rule.

13 (2) Except as provided under s. 94.43 (2), ~~each~~ no person may sell in this state  
14 a bulk lot of agricultural or vegetable seed sold within this state for seeding or  
15 sprouting purposes shall include unless the person includes with the invoice or  
16 shipping document furnished the purchaser at time of delivery a label containing the  
17 information ~~specified in s. 94.39~~ required by the department by rule.

18 SECTION 17. 94.39 of the statutes is repealed.

19 SECTION 18. 94.40 (1) of the statutes is repealed.

20 SECTION 19. 94.40 (2) of the statutes is amended to read:

21 94.40 (2) The Wisconsin Crop Improvement Association, a nonprofit  
22 organization incorporated under the laws of this state, in cooperation with the  
23 University of Wisconsin-Madison College of Agricultural and Life Sciences and the  
24 department, shall be the seed certifying agency for the certification of agricultural  
25 seed and vegetable seed in the state.

1           **SECTION 20.** 94.40 (3) of the statutes is amended to read:

2           94.40 (3) The Wisconsin Crop Improvement Association, in cooperation with  
3 the University of Wisconsin-Madison College of Agricultural and Life Sciences and  
4 the department, shall establish standards and procedures for the certification of  
5 agricultural seed and vegetable seed, subject to approval of the department.  
6 Standards and procedures established under this subsection shall comply with rules  
7 promulgated by the department and be no less stringent than those prescribed by the  
8 ~~association of official seed certifying agencies~~ Association of Official Seed Certifying  
9 Agencies.

10          **SECTION 21.** 94.40 (4) of the statutes is created to read:

11          94.40 (4) The Wisconsin Crop Improvement Association, in cooperation with  
12 the University of Wisconsin-Madison College of Agricultural and Life Sciences and  
13 the department, shall be the certifying agency for the certification of weed free  
14 mulch, hay, and straw, and shall base its certifications on the standards of the North  
15 American Weed Management Association.

16          **SECTION 22.** 94.41 (1) (a) of the statutes is amended to read:

17          94.41 (1) (a) Unless the test to determine the percentage of germination  
18 required ~~under s. 94.39 by the department by rule~~ is completed within a 12-month  
19 period immediately prior to the date it end of the month in which the seed is sold,  
20 distributed or offered or exposed for sale, ~~as shown by records, exclusive of the~~  
21 ~~calendar month in which the test is completed~~, except that seeds seed packaged in  
22 hermetically sealed containers may be sold, distributed or offered or exposed for sale  
23 under ~~such~~ any conditions as ~~that~~ the department ~~may prescribe~~ prescribes by rule,  
24 for a period of 36 months following the end of the month in which the seeds are seed  
25 is tested. No seeds seed in hermetically sealed containers ~~shall~~ may be sold,

1 distributed or offered or exposed for sale beyond ~~such~~ that 36-month period unless  
2 it is retested within the ~~preceding~~ 9-month period, ~~exclusive of the calendar month~~  
3 ~~in which the retest is completed.~~ Seed, for which the germination test date has  
4 expired, shall be relabeled by a licensed labeler prior to its being sold, distributed or  
5 offered or exposed for sale immediately prior to the end of the month in which it is  
6 sold, distributed, or offered or exposed for sale and the retested seed is labeled with  
7 the extended expiration date.

8 **SECTION 23.** 94.41 (1) (b) of the statutes is amended to read:

9 94.41 (1) (b) Not labeled in accordance with ~~s. 94.39~~ rules promulgated by the  
10 department, or containing any labeling statements which modify or deny label  
11 information required under ~~s. 94.39~~ rules promulgated by the department, or having  
12 any other false or misleading labeling.

13 **SECTION 24.** 94.41 (1) (e) of the statutes is repealed.

14 **SECTION 25.** 94.41 (1) (f) of the statutes is repealed.

15 **SECTION 26.** 94.41 (1) (g) of the statutes is repealed.

16 **SECTION 27.** 94.41 (2) (a) of the statutes is amended to read:

17 94.41 (2) (a) To detach, alter, deface or destroy any label attached to or  
18 accompanying seed, or to alter or substitute seed in a manner which would defeat the  
19 purposes of ~~s. 94.39~~ the rules of the department relating to the labeling of seed or  
20 result in the sale or distribution of seed in violation of ss. 94.38 to 94.46 or rules  
21 thereunder promulgated under those sections.

22 **SECTION 28.** 94.41 (2) (e) of the statutes is amended to read:

23 94.41 (2) (e) To use the word "trace" as a substitute for any labeling required  
24 under ~~s. 94.39~~ rules of the department relating to the composition of seeds or seed  
25 mixtures.

1           **SECTION 29.** 94.43 (1) of the statutes is amended to read:

2           94.43 (1) Every person whose name and address are required to appear on the  
3 label of any seed as the labeler or person responsible for the labeling thereof of the  
4 seed under s. ~~94.39~~, or the rules of the department relating to the labeling of seed,  
5 and every person who opens any bag or container of seed and sells any part of the seed  
6 contained therein, shall obtain a seed labeler's license from the department before  
7 selling, distributing or offering or exposing, ~~such~~ the seed for sale in this state.

8           **SECTION 30.** 94.43 (3) (intro.) of the statutes is amended to read:

9           94.43 (3) (intro.) Application for a seed labeler's license shall be submitted on  
10 a form prescribed by the department and shall be accompanied by a fee based on the  
11 gross sales of seed within the state by the applicant under his or her own label during  
12 the previous 12 months prior to filing the application. Fees for a labeler's license  
13 shall be computed on gross sales according to the following schedule, except that the  
14 department may specify different fees by rule:

15           **SECTION 31.** 94.43 (3) (b) of the statutes is amended to read:

16           94.43 (3) (b) For gross sales that are \$10,000 or more but less than \$25,000  
17 \$50,000: \$50.

18           **SECTION 32.** 94.43 (3) (c) of the statutes is amended to read:

19           94.43 (3) (c) For gross sales that are ~~\$25,000~~ \$50,000 or more but less than  
20 ~~\$75,000~~ \$100,000: \$100.

21           **SECTION 33.** 94.43 (3) (d) of the statutes is amended to read:

22           94.43 (3) (d) For gross sales that are ~~\$75,000~~ \$100,000 or more but less than  
23 ~~\$200,000: \$150~~ \$250,000: \$300.

24           **SECTION 34.** 94.43 (3) (e) of the statutes is amended to read:

1           94.43 (3) (e) For gross sales that are \$200,000 \$250,000 or more: ~~\$200 but less~~  
2 than \$500,000: \$500.

3           **SECTION 35.** 94.43 (3) (f) of the statutes is created to read:

4           94.43 (3) (f) For gross sales that are \$500,000 or more but less than \$1,000,000:  
5 \$750.

6           **SECTION 36.** 94.43 (3) (g) of the statutes is created to read:

7           94.43 (3) (g) For gross sales that are \$1,000,000 or more but less than  
8 \$10,000,000: \$1,000.

9           **SECTION 37.** 94.43 (3) (h) of the statutes is created to read:

10           94.43 (3) (h) For gross sales that are \$10,000,000 or more but less than  
11 \$100,000,000: \$1,500.

12           **SECTION 38.** 94.43 (3) (i) of the statutes is created to read:

13           94.43 (3) (i) For gross sales that are \$100,000,000 or more: \$2,500.

14           **SECTION 39.** 94.44 of the statutes is amended to read:

15           **94.44 Records.** Each person whose name is required to appear on the label  
16 as the labeler of agricultural or vegetable seeds pursuant to s. 94.39 under rules of  
17 the department shall maintain complete records of each lot of seed sold or labeled for  
18 a period of 2 years after final sale or disposition thereof of the seed, except that a file  
19 sample of such the seed need be kept for only one year. ~~This and except that this~~  
20 ~~section shall not be construed as requiring~~ does not require a record of the sale or  
21 disposal of each portion of a lot sold at retail in quantities of less than 40 pounds.  
22 All records and samples pertaining to any lot of seed shall be accessible for inspection  
23 by the department during customary business hours.

24           **SECTION 40.** 94.45 (intro.) and (1) to (5) of the statutes are renumbered 94.45

25 (1) (intro.) and (a) to (e).

**SECTION 41.** 94.45 (6) of the statutes is repealed and recreated to read:

94.45 (6) The department shall promulgate rules that do all of the following:

(a) Prescribe standards for the labeling, distribution, and sale of agricultural seed and vegetable seed.

(b) Govern methods of sampling, inspecting, analyzing, testing, and examining agricultural seed and vegetable seed.

(c) Prescribe tolerances for purity and rate of germination of agricultural seed and vegetable seed.

(d) Prescribe tolerances for the occurrence of noxious weed seeds in agricultural seed and vegetable seed.

(e) Identify noxious weeds and prohibited noxious weeds.

(f) Govern the issuance of seed labeler licenses.

(g) Govern the administration and enforcement of ss. 94.38 to 94.46.

**SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.**

(1) AGRICULTURAL AND VEGETABLE SEED RULES. The department of agriculture, trade and consumer protection may use the procedure under section 227.24 of the statutes, to promulgate the rules required under section 94.45 (6) of the statutes, as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until the first day of the 24th month beginning after the effective date of this subsection, or the date on which permanent rules are promulgated, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to determine that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is



1 not required to provide a finding of emergency for a rule promulgated under this  
2 subsection.

3 **SECTION 9403. Effective dates; Agriculture, Trade and Consumer**  
4 **Protection.**

5 (1) AGRICULTURAL AND VEGETABLE SEEDS. The treatment of sections 94.38 (3), (4),  
6 (4m), (5), <sup>(6)</sup>(8), (9), (12), (13), (15), (19), (20), <sup>(21)</sup>(22), (23), and (24), 94.385, 94.39, 94.41  
7 (1) (a), (b), (e), (f), and (g) and (2) (a) and (e), 94.43 (1), and 94.44 of the statutes takes  
8 effect on the first day of the 19th month beginning after publication.

9 (END)



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2009 - 2010 LEGISLATURE

LRB-0457/1

RCT:kjf:ph

DOA:.....Miner, BB0143 - Seed license program revisions

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1 AN ACT ...; relating to: the budget.

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**AGRICULTURE**

This bill makes several changes in the laws related to agricultural and vegetable seed.

Currently, the statutes include detailed requirements for the labeling of agricultural and vegetable seed, including information about the presence of noxious weed seeds in excess of stated amounts. The statutes prohibit the sale of seed with more than specified amounts of certain noxious weed seeds. The statutes list certain weeds as noxious weeds, but also authorize DATCP to add or remove types of weeds from the list of noxious weeds.

This bill repeals the statutory requirements for labeling agricultural and vegetable seed, the prohibitions on the sale of seed containing more than specified amounts of certain noxious weed seeds, and the list of noxious weeds. The bill requires DATCP to promulgate rules on the subjects of seed labeling, the amount of noxious weed seeds in agricultural and vegetable seed, and the designation of weeds as noxious weeds.

Current law requires persons who are required to label agricultural or vegetable seed (such as growers or distributors) to obtain a seed labeler's license from DATCP and specifies license fees that are based on gross sales of agricultural and vegetable seed. This bill lowers the fees for seed labeler's licenses for some persons with annual gross sales of less than \$100,000 and increases the fees for persons with higher annual gross sales. The bill also authorizes DATCP to change the fees by rule.

Current law prohibits the sale of certain seed unless the seed is certified by an official seed certifying agency. Under current law, the Wisconsin Crop Improvement Association, a nonprofit organization, is the official seed certifying agency for this state. Under this bill, the Wisconsin Crop Improvement Association is also the agency for certifying that mulch, hay, and straw is weed free.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 20.115 (7) (gm) of the statutes is amended to read:

2        20.115 (7) (gm) *Seed testing and labeling.* All moneys received from fees under  
3 ss. 94.43 (3) and (4) and 94.45 ~~(3)~~ (1) (c) for seed testing and labeling activities.

4        **SECTION 2.** 94.38 (3) of the statutes is repealed.

5        **SECTION 3.** 94.38 (4) of the statutes is repealed.

6        **SECTION 4.** 94.38 (4m) of the statutes is repealed.

7        **SECTION 5.** 94.38 (5) of the statutes is repealed.

8        **SECTION 6.** 94.38 (6) of the statutes is repealed.

9        **SECTION 7.** 94.38 (8) of the statutes is amended to read:

10       94.38 (8) "Labeler" means any person who as grower, processor, jobber,  
11 distributor or seller labels seed or accepts responsibility for labeling information  
12 pertaining to any container or lot of agricultural seed or vegetable seed and whose  
13 name and address is are required by the department by rule to appear on the label  
14 ~~under s. 94.39.~~

15       **SECTION 8.** 94.38 (9) of the statutes is repealed.

16       **SECTION 9.** 94.38 (12) of the statutes is repealed.

17       **SECTION 10.** 94.38 (13) of the statutes is repealed.

18       **SECTION 11.** 94.38 (15) of the statutes is repealed.

1           **SECTION 12.** 94.38 (19) of the statutes is repealed.

2           **SECTION 13.** 94.38 (20) of the statutes is repealed.

3           **SECTION 14.** 94.38 (21) of the statutes is repealed.

4           **SECTION 15.** 94.38 (22) of the statutes is repealed.

5           **SECTION 16.** 94.38 (23) of the statutes is repealed.

6           **SECTION 17.** 94.38 (24) of the statutes is repealed.

7           **SECTION 18.** 94.385 of the statutes is amended to read:

8           **94.385 Seed label locations requirements.** (1) ~~Each~~ No person may sell,  
9           distribute, or offer or expose for sale in this state a container of agricultural seed or  
10           vegetable seed which is sold, distributed or offered or exposed for sale within this  
11           state for seeding or sprouting purposes shall bear or have unless the container bears  
12           or has attached to it in a conspicuous place a label containing the information  
13           ~~specified in s. 94.39 required by the department by rule.~~

14           (2) Except as provided under s. 94.43 (2), each no person may sell in this state  
15           a bulk lot of agricultural or vegetable seed sold within this state for seeding or  
16           sprouting purposes shall include unless the person includes with the invoice or  
17           shipping document furnished the purchaser at time of delivery a label containing the  
18           ~~information specified in s. 94.39 required by the department by rule.~~

19           **SECTION 19.** 94.39 of the statutes is repealed.

20           **SECTION 20.** 94.40 (1) of the statutes is repealed.

21           **SECTION 21.** 94.40 (2) of the statutes is amended to read:

22           94.40 (2) The Wisconsin Crop Improvement Association, a nonprofit  
23           organization incorporated under the laws of this state, in cooperation with the  
24           University of Wisconsin-Madison College of Agricultural and Life Sciences and the

1 department, shall be the seed certifying agency for the certification of agricultural  
2 seed and vegetable seed in the state.

3 **SECTION 22.** 94.40 (3) of the statutes is amended to read:

4 94.40 (3) The Wisconsin Crop Improvement Association, in cooperation with  
5 the University of Wisconsin-Madison College of Agricultural and Life Sciences and  
6 the department, shall establish standards and procedures for the certification of  
7 agricultural seed and vegetable seed, subject to approval of the department.  
8 Standards and procedures established under this subsection shall comply with rules  
9 promulgated by the department and be no less stringent than those prescribed by the  
10 ~~association of official seed certifying agencies~~ Association of Official Seed Certifying  
11 Agencies.

12 **SECTION 23.** 94.40 (4) of the statutes is created to read:

13 94.40 (4) The Wisconsin Crop Improvement Association, in cooperation with  
14 the University of Wisconsin-Madison College of Agricultural and Life Sciences and  
15 the department, shall be the certifying agency for the certification of weed free  
16 mulch, hay, and straw, and shall base its certifications on the standards of the North  
17 American Weed Management Association.

18 **SECTION 24.** 94.41 (1) (a) of the statutes is amended to read:

19 94.41 (1) (a) Unless the test to determine the percentage of germination  
20 required ~~under s. 94.39 by the department by rule~~ is completed within a 12-month  
21 period immediately prior to the ~~date it~~ end of the month in which the seed is sold,  
22 distributed or offered or exposed for sale, ~~as shown by records, exclusive of the~~  
23 ~~calendar month in which the test is completed~~, except that seeds seed packaged in  
24 hermetically sealed containers may be sold, distributed or offered or exposed for sale  
25 under such any conditions as ~~that~~ the department ~~may prescribe~~ prescribes by rule,

1 for a period of 36 months following the end of the month in which the seeds are seed  
2 is tested. No seeds seed in hermetically sealed containers shall may be sold,  
3 distributed or offered or exposed for sale beyond such that 36-month period unless  
4 it is retested within the preceding 9-month period, exclusive of the calendar month  
5 in which the retest is completed. Seed, for which the germination test date has  
6 expired, shall be relabeled by a licensed labeler prior to its being sold, distributed or  
7 offered or exposed for sale immediately prior to the end of the month in which it is  
8 sold, distributed, or offered or exposed for sale and the retested seed is labeled with  
9 the extended expiration date.

10 **SECTION 25.** 94.41 (1) (b) of the statutes is amended to read:

11 94.41 (1) (b) Not labeled in accordance with s. 94.39 rules promulgated by the  
12 department, or containing any labeling statements which modify or deny label  
13 information required under s. 94.39 rules promulgated by the department, or having  
14 any other false or misleading labeling.

15 **SECTION 26.** 94.41 (1) (e) of the statutes is repealed.

16 **SECTION 27.** 94.41 (1) (f) of the statutes is repealed.

17 **SECTION 28.** 94.41 (1) (g) of the statutes is repealed.

18 **SECTION 29.** 94.41 (2) (a) of the statutes is amended to read:

19 94.41 (2) (a) To detach, alter, deface or destroy any label attached to or  
20 accompanying seed, or to alter or substitute seed in a manner which would defeat the  
21 purposes of s. 94.39 the rules of the department relating to the labeling of seed or  
22 result in the sale or distribution of seed in violation of ss. 94.38 to 94.46 or rules  
23 thereunder promulgated under those sections.

24 **SECTION 30.** 94.41 (2) (e) of the statutes is amended to read:

1           94.41 (2) (e) To use the word "trace" as a substitute for any labeling required  
2 under s. ~~94.39~~ rules of the department relating to the composition of seeds or seed  
3 mixtures.

4           **SECTION 31.** 94.43 (1) of the statutes is amended to read:

5           94.43 (1) Every person whose name and address are required to appear on the  
6 label of any seed as the labeler or person responsible for the labeling thereof of the  
7 seed under s. ~~94.39~~, or the rules of the department relating to the labeling of seed,  
8 and every person who opens any bag or container of seed and sells any part of the seed  
9 contained therein, shall obtain a seed labeler's license from the department before  
10 selling, distributing or offering or exposing, such the seed for sale in this state.

11           **SECTION 32.** 94.43 (3) (intro.) of the statutes is amended to read:

12           94.43 (3) (intro.) Application for a seed labeler's license shall be submitted on  
13 a form prescribed by the department and shall be accompanied by a fee based on the  
14 gross sales of seed within the state by the applicant under his or her own label during  
15 the previous 12 months prior to filing the application. Fees for a labeler's license  
16 shall be computed on gross sales according to the following schedule, except that the  
17 department may specify different fees by rule:

18           **SECTION 33.** 94.43 (3) (b) of the statutes is amended to read:

19           94.43 (3) (b) For gross sales that are \$10,000 or more but less than \$25,000  
20 \$50,000: \$50.

21           **SECTION 34.** 94.43 (3) (c) of the statutes is amended to read:

22           94.43 (3) (c) For gross sales that are ~~\$25,000~~ \$50,000 or more but less than  
23 ~~\$75,000~~ \$100,000: \$100.

24           **SECTION 35.** 94.43 (3) (d) of the statutes is amended to read:

1           94.43 (3) (d) For gross sales that are \$75,000 \$100,000 or more but less than  
2       \$200,000: ~~\$150~~ \$250,000: \$300.

3           **SECTION 36.** 94.43 (3) (e) of the statutes is amended to read:

4           94.43 (3) (e) For gross sales that are \$200,000 \$250,000 or more: ~~\$200~~ but less  
5       than \$500,000: \$500.

6           **SECTION 37.** 94.43 (3) (f) of the statutes is created to read:

7           94.43 (3) (f) For gross sales that are \$500,000 or more but less than \$1,000,000:  
8       \$750.

9           **SECTION 38.** 94.43 (3) (g) of the statutes is created to read:

10          94.43 (3) (g) For gross sales that are \$1,000,000 or more but less than  
11       \$10,000,000: \$1,000.

12          **SECTION 39.** 94.43 (3) (h) of the statutes is created to read:

13          94.43 (3) (h) For gross sales that are \$10,000,000 or more but less than  
14       \$100,000,000: \$1,500.

15          **SECTION 40.** 94.43 (3) (i) of the statutes is created to read:

16          94.43 (3) (i) For gross sales that are \$100,000,000 or more: \$2,500.

17          **SECTION 41.** 94.44 of the statutes is amended to read:

18          **94.44 Records.** Each person whose name is required to appear on the label  
19       as the labeler of agricultural or vegetable seeds ~~pursuant to s. 94.39~~ under rules of  
20       the department shall maintain complete records of each lot of seed sold or labeled for  
21       a period of 2 years after final sale or disposition thereof of the seed, except that a file  
22       sample of such ~~the~~ seed need be kept for only one year. ~~This and except that this~~  
23       section ~~shall not be construed as requiring~~ does not require a record of the sale or  
24       disposal of each portion of a lot sold at retail in quantities of less than 40 pounds.



1 All records and samples pertaining to any lot of seed shall be accessible for inspection  
2 by the department during customary business hours.

3 **SECTION 42.** 94.45 (intro.) and (1) to (5) of the statutes are renumbered 94.45  
4 (1) (intro.) and (a) to (e).

5 **SECTION 43.** 94.45 (6) of the statutes is repealed and recreated to read:

6 94.45 (6) The department shall promulgate rules that do all of the following:

7 (a) Prescribe standards for the labeling, distribution, and sale of agricultural  
8 seed and vegetable seed.

9 (b) Govern methods of sampling, inspecting, analyzing, testing, and examining  
10 agricultural seed and vegetable seed.

11 (c) Prescribe tolerances for purity and rate of germination of agricultural seed  
12 and vegetable seed.

13 (d) Prescribe tolerances for the occurrence of noxious weed seeds in agricultural  
14 seed and vegetable seed.

15 (e) Identify noxious weeds and prohibited noxious weeds.

16 (f) Govern the issuance of seed labeler licenses.

17 (g) Govern the administration and enforcement of ss. 94.38 to 94.46.

18 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**  
19 **Consumer Protection.**

20 (1) AGRICULTURAL AND VEGETABLE SEED RULES. The department of agriculture,  
21 trade and consumer protection may use the procedure under section 227.24 of the  
22 statutes, to promulgate the rules required under section 94.45 (6) of the statutes, as  
23 affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,  
24 emergency rules promulgated under this subsection remain in effect until the first  
25 day of the 24th month beginning after the effective date of this subsection, or the date

1 on which permanent rules are promulgated, whichever is sooner. Notwithstanding  
2 section 227.24 (1) (a) and (3) of the statutes, the department is not required to  
3 determine that promulgating a rule under this subsection as an emergency rule is  
4 necessary for the preservation of the public peace, health, safety, or welfare and is  
5 not required to provide a finding of emergency for a rule promulgated under this  
6 subsection.

7 **SECTION 9403. Effective dates; Agriculture, Trade and Consumer**  
8 **Protection.**

9 (1) AGRICULTURAL AND VEGETABLE SEEDS. The treatment of sections 94.38 (3), (4),  
10 (4m), (5), (6), (8), (9), (12), (13), (15), (19), (20), (21), (22), (23), and (24), 94.385, 94.39,  
11 94.41 (1) (a), (b), (e), (f), and (g) and (2) (a) and (e), 94.43 (1), and 94.44 of the statutes  
12 takes effect on the first day of the 19th month beginning after publication.

13 (END)